1. (original) A holster operable for attachment to a person for transporting and recharging a battery powered portable communication device comprising:

   (a) a container having a cover with an outer surface having a photovoltaic cell affixed thereto, and a base separably attached to said cover, said cover and said base enclosing an externally accessible compartment dimensioned to receive and house a portable communication device therewithin;

   (b) a clip pivotally attached to said container, said clip being operable for attachment of said holster to the person, thereafter enabling the person to rotationally adjust the orientation of said photovoltaic cell with respect to a source of radiant energy.

2. (original) The holster of claim 1 further comprising a battery recharging circuit integral therewith, said battery recharging circuit being electrically connected to said photovoltaic cell.

3. (original) A holster in accordance with claim 2 further comprising phone connector means operable for providing electrical communication between said battery recharging circuit and a rechargeable battery housed within said battery powered communication device.

4. (original) A holster in accordance with claim 3 further comprising a visual connection indicator means operable for verifying electrical connection between said battery recharging circuit and the rechargeable battery housed within the communication device.

5. (original) A holster in accordance with claim 4 wherein said visual connection indicator means is a light emitting diode.

6. (original) A holster in accordance with claim 4 further comprising a charging status indicator means operable for visually verifying that said battery recharging circuit is recharging the rechargeable battery housed within the communication device.
7. (original) A holster in accordance with claim 6 wherein said charging status indicator means is a light emitting diode.
8. (original) A holster operable for attachment to a person for transporting and recharging a battery in a battery powered electronic device comprising:
    (a) a container having a cover with an outer surface having a photovoltaic cell affixed thereto, and a base separably attached to said cover, said cover and said base enclosing an externally accessible compartment dimensioned to receive and house the electronic device therewithin;
    (b) a clip pivotally attached to said container, said clip being operable for attachment of said holster to the person, thereafter enabling the person to rotationally adjust the orientation of said photovoltaic cell with respect to a source of radiant energy.
9. (original) The holster of claim 8 further comprising a battery recharging circuit integral therewith, said battery recharging circuit being electrically connected to said photovoltaic cell.
10. (original) A holster in accordance with claim 9 further comprising phone connector means operable for providing electrical communication between said battery recharging circuit and a rechargeable battery housed within said battery powered electronic device.

11. (original) A holster in accordance with claim 10 further comprising a visual connection indicator means operable for verifying electrical connection between said battery recharging circuit and the rechargeable battery housed within the electronic device.

12. (original) A holster in accordance with claim 11 wherein said visual connection indicator means is a light emitting diode.

13. (original) A holster in accordance with claim 11 further comprising a charging status indicator means operable for visually verifying that said battery recharging circuit is recharging the rechargeable battery housed within the electronic device.

14. (original) A holster in accordance with claim 13 wherein said charging status indicator means is a light emitting diode.

STATUS OF THE CLAIMS

Claims 1-14 are pending in the application.

Claims 1-3 and 8-10 were rejected under 35USC§103 as being unpatentable over Bachner '654 in combination with De Crouy-Chanel '018.

Claims 4-7 and 11-14 were rejected under 35USC§103 as being unpatentable over Bachner '654 in combination with De Crouy-Chanel '018 and Hashimoto '797.

Summary of the Invention

A case or holster for the storage and transport of a cellular phone or similar battery powered communication device. The holster is adapted to be attached to and worn upon a person's body. The holster includes at least one photovoltaic element and circuitry that, in combination, enables solar energy to be used to charge a battery within the phone when the phone is disposed within the holster. The holster further includes a tilt-adjustable pivotally-mounted clip providing a means for tilting the holster with respect to the point of attachment of the clip to the wearer. The tiltable mount enables the orientation of the photovoltaic cell affixed to the surface of the holster to be varied with respect to the position of the sun in order to optimize the intensity of solar energy incident thereon. The holster includes a charging circuit and battery pack that is in electrical connection with the internal battery and charging circuitry of the phone when the phone is disposed within the holster. An LED array on the exterior surface of the holster indicates the insolation and the status of the solar charging circuitry within the holster. The charging circuit provides optimum power transfer from the photovoltaic element(s) to a secondary battery within the

charging circuitry housed within the holster. In a second embodiment, a tilt-adjustable solar reflector, mounted on the holster, is employed to increase the intensity of light incident upon the photovoltaic element.

The Rejection Under 35USC§103

Claims 1-3 and 8-10 are rejected under 35USC§103 as being unpatentable over Bachner '654 in view of De Crouy-Chanel '018.

The Examiner argues that Bachner teaches a holster for a communications device and that it would be obvious under 35USC§103 to make the applicant's claimed invention when viewed in the light of De Crouy-Chanel's photovoltaic cell arrangement.

As noted above, Bachner teaches a docking-holster for an electronics device wherein said device has incorporated a supplemental power capability to alleviate the power demands characteristic of such devices. Applicants agree that the Bachner device comprises all of the elements listed in part (a) of Claim 1, but respectfully disagrees that it also incorporates the capabilities listed in part (b). Although the Bachner device discloses a clip, said clip "is so designed such that a belt or strap may pass between it and the rear portion" (col. 2, lines 47-50). In the present invention, the clip is "pivotally attached" to the case and intended to maintain the pivoted position for maximal illumination of the solar cell. By contrast, only a transient pivoted position is possible with the Bachner clip, intended solely to enable placement of its jaws on either side of a strap or belt. Once the starp or belt has been engaged, the Bachner clip returns to its "closed" state. Consequently, illumination of the optional Bachner solar cell is entirely dependent upon the orientation of the device's main body. In short, the purpose of the Bachner clip is to secure it to a belt or strap, whereas in the present invention, the pivotal capability of the clip is designed to meet

the function of a prior art clip, but further enable pivotal reorientation of the case with respect to the body to provide maximal illumination of the solar cell regardless of the orientation of the person's body. In fact, the Bachner clip is inoperable for the purposes of this invention.

The examiner asserts that De Crouy-Chanel's photovoltaic cell arrangement permits rotational adjustment of the absorptive surface. Again, applicant respectfully but strongly disagrees. De Crouy-Chanel discloses that the photovolatic cell has the form of a drawer. De Crouy-Chanel does not disclose any capability for the drawer to rotate about its plane of attachment. Thus, in its exposed position, the orientation of the solar cell accomodated by the drawer is, like Bachner, entirely governed by the orientation of the main body of the device. In essence, it has no extra degree of freedom with which to perform the maximizing function. By contrast, this invention has the capability to pivot about its line of attachment, thus giving it an extra degree of freedom with which to maximize solar exposure to its photosensitive surface.

These comments apply equally to independent claims 1 and 8. Because claims 2-7 depend from Claim 1 and claims 9-14 depend from Claim 8, they are germaine to the arguments for allowability of the entire set of claims 1-14 and apply equally to all objections raised in reference to Bachner '654 and De Crouy-Chanel '018.

Claims 4-7 and 11-14 were rejected under 35USC§103 as being unpatentable over Bachner '654 in combination with De Crouy-Chanel '018 and Hashimoto '797. In view of the above arguments concerning the differences between the present invention and Bachner and De Crouy-Chanel, any additional features brought to bear by Hashimoto '797 are moot.

In summary, under *Deere*, and as set forth in *MPEP §706.02*, to establish a *prima facie* case of obviousness of a particular claim, the Patent Office must :

(a) set forth differences in the claim over the applied references;

(b) set forth the proposed modification of the references which would be necessary to arrive at the claimed subject matter; and

(c) explain why the proposed modification would be obvious.

In the present instance the combination of elements, in particular the pivotally attached clip recited in independent claims 1 and 8, is not present in the prior art and, moreover, is not suggested by the prior art. In view of these clarifications regarding the difference between the elements of the present invention and the prior art it is requested that this rejection be withdrawn.

Entry of this amendment, reconsideration, favorable action and early allowance and publication of this application are respectfully requested. If there are any minor matters remaining, it is respectfully requested that the examiner contact the undersigned by phone so that possible minor changes may be discussed in order to expedite the prosecution of this case.

Respectfully,

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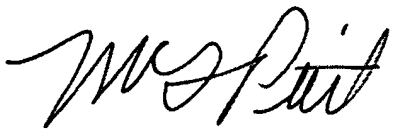
Date: July 13, 2004 by: 

Michael G. Petit